

Applic. No. 10/033,127
Amdt. dated June 14, 2006
Reply to Office action of March 30, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 2-5, 7, 10, and 12 remain in the application. Claims 10 and 12 have been amended. Claims 1, 8, 9, 11, 13, and 14 were previously cancelled from the application.

In item 2 on page 2 of the above-noted Office action, claims 2, 3, 5, 7, 10, and 12 have been rejected as being obvious over Konrad et al. (U.S. Patent Application Publication No. 2002/0014171 A1) (hereinafter "Konrad") in view of Dini (U.S. Patent No. 3,964,386) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 17, lines 6-20 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 11 and 12 call for, *inter alia*:

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a printing form cylinder, a zone-less inking unit including an ink-metering device having a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller, the roller rolling on the printing form cylinder during a printing operation ... and an oscillation device assigned to said single metering element.

As will be seen from the following remarks, applicant respectfully disagrees with the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink metering device having a single metering element (1, Fig. 5)."

A printing machine typically has a printing form cylinder, which is also called a form cylinder or plate cylinder and which carries the printing form or printing plate. Common English terms are "plate cylinder", "form cylinder" or "printing form cylinder". The instant application discloses that the printing form cylinder is designated with reference numeral "4" (page 17, line 10). Konrad discloses that the "form cylinder" is designated with reference numeral "3" (Fig. 5 and paragraph [0046]).

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Furthermore, printing machines typically have an ink application roller, which is the roller rolling onto the printing form cylinder or onto the printing plate mounted on the printing form cylinder. Common English terms for the roller are "ink application roller", "application roll", "ink form roller" and "form roller". The instant application discloses that the ink application roller is designated with reference numeral "7" (page 17, lines 15-17). Konrad discloses that the ink application roller is designated with reference numeral "1" (Fig. 5 and paragraph [0046]).

In accordance with claims 10 and 12 of the instant application, the metering element and the ink application roller are two different elements.

Accordingly, it is respectfully noted that the Examiner incorrectly identifies the ink application roller "1" of Konrad with the "metering element" of the instant application. Therefore, it is respectfully noted that the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink metering device having a single metering element (1, Fig. 5)", is not correct. As explained above, they are two different elements, element "1" of Konrad is not a metering element.

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Furthermore, as will be seen below, applicant respectfully disagrees with the Examiner's allegation on page 2 of the Office action that Konrad discloses "an ink form roller ("form cylinder 3,")". More specifically, Konrad discloses that the element designated with the reference symbol "3" is the "form cylinder", it is not an ink application roller as recited in the claims of the instant application. The difference is also seen in the attached pages of the Polygraphic Dictionary of the Graphic Arts and Communications Technology. Accordingly, it is respectfully noted that the Examiner's allegation that Konrad discloses "an ink form roller ("form cylinder 3,")", is not accurate.

The Examiner alleges that a metering element, which does not oscillate, in the form of the roller (1) of Konrad is present, and that a metering element in the form of the knife (doctor blade arrangement 3) of Dini is present. The Examiner alleges that the knife (3) of Dini oscillates in the same manner as the present invention. The Examiner alleges that it would be obvious to use the device for oscillating the knife (3) of Dini for oscillating the roller (1) of Konrad.

Applicant respectfully disagrees with the Examiner's allegations. More specifically, as seen from the above provide remarks, contrary to the knife (3) of Dini, the roller

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(1) of Konrad is not a metering element. Dini discloses that the knife (3) and not the cylinder (12), of Dini, is oscillated. Accordingly, there is no motivation for a person of ordinary skill in the art to provide the roller (1) of Konrad with an oscillation device as disclosed in Dini.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above given remarks, the references do not show or suggest a printing form cylinder, a zone-less inking unit including an ink-metering device having a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller, the roller rolling on the printing form cylinder during a printing operation ... and an oscillation device assigned to said single metering element, as recited in claims 10 and 12 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

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Furthermore, a critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614,1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." Id. (quoting W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453,1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant. See In re Dance,

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160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998);
In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125,1127 (Fed. Cir.
1984).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981) (and cases cited therein). Whether the Examiner relies on an express or an implicit showing, the Examiner must provide particular findings related thereto. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." Id. When an Examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed

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on the record. See In re Lee, 277 F-3d 1338, 1342-45, 61
USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

Upon evaluation of the Examiner's comments, it is respectfully
believed that the evidence adduced by the Examiner is
insufficient to establish a prima facie case of obviousness
with respect to the claims. Accordingly, the Examiner is
requested to withdraw the rejection.

Since claim 10 is believed to be allowable, dependent claims
2, 3, 5, and 7 are believed to be allowable as well.

In item 3 on page 5 of the above-noted Office action, claim 4
has been rejected as being obvious over Konrad (U.S. Patent
Application Publication No. 2002/0014171 A1) in view of Dini
(U.S. Patent No. 3,964,386) and further in view of Jeschke
(U.S. Patent No. 4,089,264) under 35 U.S.C. § 103. Jeschke
does not make up for the deficiencies of Konrad and Dini.
Since claim 1 is believed to be allowable, dependent claim 4
is believed to be allowable as well.

It is accordingly believed to be clear that none of the
references, whether taken alone or in any combination, either
show or suggest the features of claims 10 or 12. Claims 10
and 12 are, therefore, believed to be patentable over the art

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and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 2-5, 7, 10, and 12 are solicited.

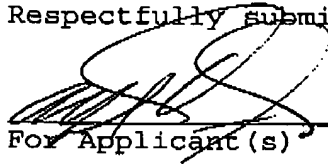
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,


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June 14, 2006

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**POLYGRAPH WÖRTERBUCH
FÜR DIE DRUCKINDUSTRIE
UND KOMMUNIKATIONSTECHNIK**

Deutsch-Englisch Englisch-Deutsch

Patentabteilung

**POLYGRAPH DICTIONARY
OF THE GRAPHIC ARTS
AND COMMUNICATIONS TECHNOLOGY**

German-English English-German



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folding blade - format

folding blade Filbmesser *n*, Filzschwert *n*
folding box Filzschachtel *f*
folding board Faltschachtelraum *m*
folding box gluer Faltschachtelobermaschine *f*
folding box gluing Faltschachtelklebung *f*
folding carton Faltschachtel *f*
folding cylinder Faltschirmel *f*, Falzylinder *m*
folding down see folding cylinder
folding jaw (*press folder*) Falzklappe *f*
folding knife Filbmesser *m*, Filzschwert *n*
folding lay (*sheet registration*) Falznähe *f*
folding layout Falzschema *n*
folding machine Falzmaschine *f*; *webstee* –
Falzstuhl *m*
folding with Falzkreis *n*, Falzmarke *f*
folding plow (*press folder*) Falzpfug *m*
folding register Falzregister *n*
folding resistance Falzwiderstand *m*
folding roller *pl* Falzwalzen *pl*
folding sample Falzmuster *n*
folding spine Falzrücken *m*
folding stick Falzstirn *n*
folding unit Falzwerk *n*
fold by snath Falznähe *f*
fold leading (*convert*) Falz voraus, vorne
fold outturning Falzbiegung *f*
fold measuring Falzkontrolle *f*
fold-out (*plate*) (*book*) Auschlagplaf *f*
fold over *v* vorknicen
fold pressing Falzplattierung *f*
fold pressing Falzpressung *f*
fold softening Falzweichung *f*
fold tightening Falzverstärkung *f*
fold-merit register Falzregister *n*
fold variations (*convert*) Falz hinten
fold variants *pl* Falzvarianten *pl*
fold columnar (*text*) Falzspalten *pl*
fold columnar (*text*) Falzspaltenzahl *f*, Seitenzahl *f*,
total Kolumnenbreite *m*
fold edit (*book*) Falzangehe *f*
fold *pl* Falzierung *f*, Seitenmengenierung *f*
fold size Poliermaß *n*
fold volume Poliant *m*
follow copy (*correction instruction*) nach
Muster *pl*
follow-up control (*process control*)
Nachfahnerung *f*
follow-up display (*process control*)
Nachfahranzeige *f*
follow-up meter (*afterwriting*) Nachfahrbol *m*
font (*type*) *pl* Font *m*, Fontsetzschrift *f*, Schrift
font (*type*) *pl* Font *m*, Fontsetzschrift *f*, Schrift
font die (*optomechanical phototypesetter*)
Schriftschäbe *f*

font library Schriftbibliothek *f*
font memory (photocomp) Schriftenspeicher *m*
font selection (photocomp) Fontauswahl *f*
font in direct access (photocomp) Schriften im direkten Zugriff
font storage (photocomp) Schriftenspeicher *m*
font with (character width) Buchstabenbreite *f*,
Dicke *f*, Schriftbreite *f*
font package Lebensmittelpackung *f*
Nährmittelpackung *f*
font (of the page; of the letter) Fuß *m*
fontbold (on pressor) Laufblech *n*, Trichter *n*,
Fußbitt *n*; (camera) Laufboden *m*
font lever Fußhebel *m*
font margin unterer Papierrand *m*, unterer
Seitenrand *m*
fontsize Fußnote *f*
fontsize (without) zifrenes Fußnotenzeilen *f*
font of page Ende der Seite
font press Fußpresse *f*
font rule Fußlinie *f*
font size Fußmaß *m*
font sticking Fußstechnik *m*
font table (make-up of lead comp.) Unterschlage
m
fontid bypilation (text proc.) Trennvorb. *n*
forced lithographic Druckschwierung *f*
forced Vorderzahn *f*; (book) Vorderzahn *m*
fontage margin äußerer Papierrand *m*, äußerer
Seitenrand *m*, vorderer Papierrand *m*
fontage printing (book) Frontdruck *m*
fontground Vordergrund *m*
fontground und background aufeinander (comp)
Vordergrund- und Hintergrundauslegung *f*
fontground und background operation (comp)
Vordergrund und Hintergrundbetrieb *m*
fontground processing (comp)
Vordergrundverarbeitung *f*
fontage-language Input/Output Fremdspracheneindruck
m
fontage language writing Fremdsprachensatz *m*
fontage zum Fontausdruck *m*
fontage system Fremdsprachensystem *n*
fontage Types of type casting Fremde Schriften
pl
fontans (printing) Druckmeister *m*
fontused (book) Geleiswort *n*, Vorwort *n*
fonted book Schneidzahl *m*
fontary Flächung *f*
fontary-proof Gleichungsgeber
fontit turn Gleichdruher *m*
font form (business form) Formblatt *n*, Vordruck *m*
font Formast *n*, Größe *f*

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217

format adjustment - four-colour printwork

format adjuster Formatzeinstellung *f*,
Größen-einstellung f
format change Formatänderung *f*,
Formatveränderung f, *Formatwechsel m*
format change-over Formatumschaltung *f*,
format of fungus (fountain solution)
Pilzbildung f
format of metal (fountain solution)
Pilzbildung f
format rage Formatbereich *m*
format setting Formatzeinstellung *f*,
Größen-einstellung f
format usage (comp) Formatprücher *m*
formatted data formatierte Daten *pl*
formatted text formatierter Text *m*
formatting (data) Formatierung *f*
Format VI
format (print form) Form *f*, *Druckform f*,
(interpress form) Druckdeck *m*
format assembly Formatmontage *f*
format bed (flat-bed press) Druckfundament *n*,
*Formband *n**
format carriage (interpress m) Formkarren *m*
format chase Formrahmen *m*
format cylinder Formzylinder *m*; (*rotary*
letterpress, lithography) Kleezylinder *m*
formatting Einrichten der Druckform
formatting Einrichten der Druckform
format postulating Formatpräparieren *n*
format postulating device Formatpräpariervorrichtung
format (press folder) Falzträger *m*, *Täbcher m*
format rack (lead comp.) Formengestell *n*,
Former fold (web printing) Langstolz *m*,
*Täbcherab *m**
format roller Faltierfutzapparat *m*
format nose (format folder) Trichternase *f*
format roller Auftragswalze *f*, *Formwalze f*
format plate (press folder) Falzträger *m*
format roller (web press) Trichtervalze *f*
format superstructure (press folder)
*Trichterbau *m**
format trolley Formantriebswagen *m*
forms binding Formularteftung *f*
form colorator Formulierungsmittelapparat *m*
forms compaction (typesetting) Formulardruck *m*
forms design Formulargestaltung *f*
forms green Formulardruckmaschine *f*
forms printer Formulardruck *m*
forms printing Formulardruck *m*
forms production Formulardruckung *f*
form set Formulardruck *m*
form set gifting Formulardruckung *f*

Ink absorption - ink jet lettering

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[illegible]

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Ink jet printer - ink zone

[illegible]

Printed in Germany
© by Polygraph Verlag GmbH, Frankfurt am Main

5. Auflage 1989
völlig überarbeitet und aktualisiert
von Wirt.-Ing. Michael Nische
auf der Grundlage der 1976 und davor erschienenen,
von Leonhard Trondt (†) bearbeiteten Ausgaben.

Nachdruck - auch auszugsweise - verboten

ISBN 3-87641-159-0

Printed in Germany
© by Polygraph Verlag GmbH, Frankfurt am Main

5th edition 1989
Based on the editions compiled
by Leonhard Trondt (†),
published in 1976 and before.
This edition completely revised and updated
by Wirt.-Ing. Michael Nische.

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ISBN 3-87641-159-0

Besonderer Dank gilt den Mitarbeitern
Rolf Agte für zahlreiche terminologische
Anregungen und Ergänzungen sowie
Paul Callaghan für die sprachliche
Prüfung der englischen Teile. Gedankt sei
auch anderen hier nicht namentlich
erwähnten Personen und Firmen für ihre
Unterstützung jedweder Art.

Special thanks to Rolf Agte for his many
terminological suggestions and
contributions as well as to Paul Callaghan
who verified the English-language entries.
Many thanks also to all contributing
persons and companies for their support
and assistance.

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